

Message Text

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ACTION AF-18

INFO OCT-01 EUR-25 ISO-00 L-03 EB-11 SCEM-02 INT-08 AID-20

CEA-02 CIAE-00 COME-00 EA-11 FRB-02 INR-10 IO-13

NEA-10 NSAE-00 RSC-01 OPIC-12 SPC-03 TRSE-00 CIEP-02

LAB-06 SIL-01 OMB-01 STR-08 PM-07 NSC-10 SS-15 H-03

DRC-01 ARA-16 /222 W

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R 201053Z SEP 73

FM AMEMBASSY THE HAGUE

TO SECSTATE WASHDC 2004

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY TRIPOLI

USMISSION OECD PARIS

C O N F I D E N T I A L THE HAGUE 4135

E.O. 11652: GDS

TAGS: ENRG

SUBJECT: OIL EXPROPRIATIONS: U.S. POSITION

REF: STATE 182055

SUMMARY: CONTENTS OF US NOTE TO LARG SUMMARIZED AND DISCUSSED WITH ENERGY OFFICIAL OF ECON MINISTRY. OFFICIAL WAS INTERESTED IN POSSIBLE PRACTICAL EFFECT OF NOTE AND HOW IT MIGHT RELATE TO QUESTION OF HOT OIL FROM LIBYA. END SUMMARY.

1. WE CONVEYED SUBSTANCE OF US NOTE TO LARG TO VAN RHIJN ON 19 SEPT, SINCE DIRGEN WANSINK ABSENT ENTIRE WEEK AND VAN RHIJN HAD JUST RETURNED FROM OFFICIAL TRAVEL. WE INDICATED STRONG TERMS OF NOTE, RECOUNTED LEGAL POINTS, AND EMPHASIZED IMPORTANCE TO USG OF ARBITRATION AS MEANS OF RESOLUTION.

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2. VAN RHIJN RAISED QUESTION OF TERMS AND PURPOSE OF ARBITRATION. RE TERMS, WHO WOULD ARBITRATE AND UNDER WHAT RULES?

WE INDICATED LACK OF INFORMATION BUT SURMISED IT WOULD BE UNDER NORMAL INTERNATIONAL RULES, PROBABLY WITH 3-MAN TRIBUNAL. RE PURPOSE, WE SPECULATED JOINTLY THAT ARBITRATION WOULD COVER TERMS OF COMPENSATION, NOT WHETHER EXPROPRIATION WOULD BE CANCELED.

3. HE THEN RAISED QUESTION WHAT THE NOTE WAS SUPPOSED TO ACCOMPLISH, NOTING THAT IT MADE NO REFERENCE TO HOT OIL AND OBSERVING THAT IT WAS NOT LIKELY TO HAVE SIGNIFICANT POSITIVE EFFECT ON LARG POLICY. WE RESPONDED THAT IT WAS NECESSARY TO PUT OFFICIAL US VIEWS ON RECORD, AS OPPOSED TO LETTING OUR SILENCE BE INTERPRETED AS ACQUIESCENCE. FURTHERMORE, STRONG TERMS OF NOTE ESTABLISHED BEST POSSIBLE BASIS FOR LATER STEPS WHICH MIGHT BE TAKEN BY USG OR COMPANIES AND MIGHT EVEN GIVE LARG FOOD FOR THOUGHT.

4. HE THEN ASKED IF DISCUSSIONS IN HIGH LEVEL GROUP MEETING IN PARIS SEPT 11 HAD INFLUENCED CONTENTS OF NOTE. THIS QUESTION SEEMED TO RELATE TO LACK OF MENTION OF HOT OIL IN NOTE, SINCE HIS ACCOUNT OF HLG DISCUSSION FOCUSED ON VARIETY AND WEAKNESS OF NATIONAL REACTIONS TO QUESTION OF HOW TO HANDLE HOT OIL. WE RESPONDED THAT TIMING OF INSTRUCTION FROM WASHINGTON REGARDING NOTE INDICATED VERY LITTLE CHANCE OF INFLUENCE FROM HLG MEETING.

5. VAN RHIJN EXPRESSED APPRECIATION FOR REVIEW AND DISCUSSION OF CONTENTS OF NOTE.
TANGUY

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